

Remarks

Claims 1, 3, 7, 9, 11-17 and 19-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima (JP 2000-322818) in view of Obayashi (US 2004/0015708). Claims 4, 18 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima in view of Obayashi and further in view of Yamagami (US 6,256,282).

While Obayashi has a publication date of January 22, 2004, it is noted that Obayashi has no §102(e) date. That is, under M.P.E.P. §706.02(f)(1), Obayashi is not entitled to a §102(e) date because it is the U.S. national stage application of International application PCT/JP02/06800, which was filed on July 4, 2002 (i.e., after November 29, 2000) and was published in Japanese (i.e., in a language other than English). Therefore, Obayashi cannot be used as a reference against the present application because the present application's filing date of June 20, 2003 is prior to the publication date of Obayashi.

Further, it is noted that two publications that correspond to Obayashi have publication dates less than one year prior to the present application's filing date of June 20, 2003 and therefore, qualify as prior art under §102(a). These references are WO 2003/019374, published on March 6, 2003, and JP 2003-067208, published on March 7, 2003. However, the present application claims priority to JP 2002-310094, filed on October 24, 2002, which is prior to the publication dates of WO 2003/019374 and JP 2003-067208. In light of this, an English language translation of JP 2002-310094 is submitted herewith along with a statement verifying the accuracy of the English language translation. It is submitted that claims 1, 3, 4, 7, 9 and 11-23 are supported by JP 2002-310094. Therefore, neither WO 2003/019374 nor JP 2003-067208 can be used to reject these claims. As a result, the above-mentioned rejections are moot.

In view of the above remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Takashi ISHIDA et al.

By: /David M. Ovedovitz/
2009.01.28 15:13:06 -05'00'
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 28, 2009